

Notice of Allowability

Application No.

10/029,799

Examiner

Mary J. Steelman

Applicant(s)

KIRKPATRICK ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/22/2006.
2. ☒ The allowed claim(s) is/are 1-15.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

1. This Office Action is in response to RCE and amendments received 22 February 2006.
Per Applicant's request, claims 1, 10, and 15 have been amended. Claims 1-15 are pending.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jeramie J. Keys, Reg. No. 42,724 on 4 May 2006.

The application has been amended as follows:

Claim 10, following the preamble, add the following:

a computer, a display and a storage disk;

The Title is to be amended to more clearly identify the invention. The title should be changed to "Graphical Interface System Monitor Providing Error Notification Message with Modifiable Indication of Severity"

Double Patenting

3. Based on phone conversation with Attorney of Record, Jeramie J. Keys, Reg. No. 42,724, a terminal disclaimer as related to USPN 6,961,878 has been submitted and recorded.

Allowable Subject Matter

4. Claims 1-15 are allowed.

5. The following is an examiner's statement of reasons for allowance:

Regarding independent claims 1, 10, and 15, as Applicant has pointed out on page 6, 3rd paragraph, Pickett (USPN 5,062,147A), Mueller (USPN 6,115,544), Smith (USPN 5,671,510), Greenfeld (USPN 4,931,928), Warman (USPN 5,657,221), and other cited prior art taken alone, or in combination fails to teach or suggest all limitations, or render obvious the limitations as recited, when taken in the context of the claims as a whole, including:

“scanning source code of at least one source file of a computer application to be monitored for one or more error notification messages that are contained within the source code of the at least one source file, the source file being stored in a first location;”

in combination with the limitation (as noted on page 7, 3rd and 4th paragraphs):

“accessing the export file by the system monitor to determine where the log file location is by reading the modifiable second location, monitoring by the system monitor the log file location as specified by the modifiable second location, and providing by the system monitor an indicator of the severity based on the modifiable severity of the export file for

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the error notification discovered from the log file location.” (Similarly recited in claims 10 and 15.)

Moreover, evidence for modifying the prior art teachings by one of ordinary skill level in the art was not uncovered so as to result in the invention as recited in independent claims 1, 10, and 15.

Thus all remaining dependent claims, claims 2-9 and 11-14, are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

6. An update search provided the following related references:

USPN 6,154,128 to Wookey et al., disclosed monitoring a computer system and creating an alert definition, providing (col. 12, line 40) different levels of severity. Wookey failed to disclose scanning source code for error notification messages, extracting, displaying and modifying the severity, in combination with other cited claim limitations.

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USPN 6,237,114 B1 to Wookey et al., disclosed (Abstract) the monitoring a computer system determines if a condition of a predetermined severity exists according to diagnostic information.

Wookey failed to disclose scanning source code for error notification messages, extracting, displaying and modifying the severity, in combination with other cited claim limitations.

USPN 6,269,460 B1 to Snover, disclosed dynamically modifying (Abstract) error messages.

However, unlike the instant invention, (col. 5, line 26) “everything that is done is in response to a basic error message from the program being executed.” Snover failed to disclose scanning source code for error notification messages, extracting, displaying and modifying the severity, in combination with other cited claim limitations.

USPN 6,574,792 B1 to Easton, disclosed (Abstract) extracting comments from source code and using the comments to expand user messages. Easton failed to disclose scanning source code for error notification messages, extracting, displaying and modifying the severity, in combination with other required claim limitations.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Steelman, whose telephone number is (571) 272-3704. The examiner can normally be reached Monday through Thursday, from 7:00 AM to 5:30 PM If

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attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached at (571) 272-3708. The fax phone number for the organization where this application or proceeding is assigned: 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mary Steelman



05/04/2006